

WOULD TREAT JURIES BETTER

SUGGESTION MADE AS A RESULT OF THE THAW TRIAL.

The Case Likely to Lend Weight Also to the Arguments in Favor of State Paid Experts in Insanity—The "Lawyer" Pleas a Failure in Trial State.

The Thaw trial has suggested forcibly to some members of the New York bar the need of changes in our criminal law practice. Perhaps the most likely field for reform is the treatment to which the jury in a murder case is subjected. Take the case of the Thaw jury. It left the court room at 5:15 Wednesday afternoon, went out to dinner an hour or so later, returned to the jury room at 8:30 and did not leave it until breakfast time next morning. Returning again, the twelve men remained locked up until dinner time, when they again went to a hotel for an hour's stay. This was done the next morning at breakfast time and they did not again leave the jury room until they entered the court room for the last time. None of the jurors got more than three or four hours sleep in all the two days. None of them had his clothes off, none of them had a bath and when they were able to sleep they had to do so on the top of a table or sitting in chairs. Twenty-four hours of this sort of thing is enough to reduce the average man to irritability. Forty-seven hours of it is enough to make the most amiable man nervous, irascible and, what is worse from the point of justice, unreasonable and obstinate.

This feature of the trial was discussed yesterday by a man who has occupied a most important place in the prosecution of Harry K. Thaw for the murder of Stanford White and who will certainly do so on the second trial. "The manner in which we treat our juries," said this man, "is nothing less than stupidly criminal. It is the result of long years of custom, and I can very well understand why a presiding Judge should hesitate about starting any innovations in this line. You know there is for the average Judge no bogie like the fear of being reversed by a higher court. His life is one long worship of precedent and he is loath to take any chance of being reversed if he can possibly avoid it. It is therefore perhaps too much to expect that any trial Judge in a murder case is going to make any radical change in the custom of handling juries after they are locked up unless he is distinctly authorized to do so by the law. At present the matter is entirely within the discretion of the Court, but the Court is as a rule walking carefully within the narrow hedgerows of conventionality and custom."

"Is there any reason why, merely because twelve men have undertaken to decide an issue of the gravest importance that can come before a jury, an issue involving a human life, that they should be subjected to every hardship that can be inflicted upon them, short of absolute starvation? If there is, I would like to hear somebody state it. "What reason is there to expect a jury to apply the process of cold, calm and intelligent reasoning to a mass of complicated and conflicting evidence, like that submitted in the Thaw case, when every man of the twelve is weary almost beyond endurance, when every nerve is rasped by hours of heated argument, when temper is inflamed by persistent and oftentimes violent opposition? I say deliberately that if we should search with all our skill for some method of insuring unsatisfactory verdicts from our juries we could not devise one better adapted to such an end than the one under which we are now operating. "The whole thing is intolerably stupid, I contend."

"I know of no good reason why the Thaw jury, or any other jury, should not have been allowed to go to a hotel every night. There they could have had eight or nine hours of refreshing sleep and an invigorating bath. They would have come back to the jury room all the better prepared to use their brains intelligently and effectively. The interests of no human being would suffer in the slightest and justice would be forwarded. "That this view is held by at least two members of the Thaw jury is certain. One of them said: "I once was a member of a camping party up in the Maine woods. As soon as we got into camp it began to rain. It rained steadily for a week. It seemed as if the heavens had been open for all time. There were eight men in the party, not counting the three guides. We couldn't go out for any length of time. All there was to do was to sit in the cabin and play cards or checkers, tell stories, sleep and eat. We were all on excellent terms when we went into camp, but we hadn't been there three days before everybody was quarrelling. At the end of the fourth day the quarrelling had become so bad that the guides, who would speak to anybody else, would speak to nobody else. We hated the sight of each other. "All the men in that party are still my good friends. We got over it as soon as the weather cleared. It was a good deal as while we were in session in the Thaw case. We were tired and weary and anxious and intolerably bored. We were sitting in one small room for two days arguing their case, not in the best condition to be reasonable. Hence the bitterness that developed between certain of the Thaw jurors, a bitterness which, I am sorry to say, remained to the end of our long vigil."

The outcome of the Thaw case and the news that came from the jurors after they were dismissed are likely to furnish arguments to back up the proposal of Dr. Allan McLean Hamilton, who has been asked to act as a State commission which shall hold office permanently and be paid entirely by the State. The Thaw jurors seem to have paid relatively little attention to the expert testimony submitted by both sides during the trial. It was absolutely contradictory, it nearly always was. Consequently, they threw it out and each man made up his mind as to Thaw's sanity upon the basis of the defendant's acts and writings as they appeared to him. "It now appears likely that it will be many a year before any lawyer defending a client accused of murder will be so rash as to throw overboard in his summing up all the defenses that are made acceptable by the law of the State and appeal instead to the so-called higher or unwritten law. All the accounts agree that the Thaw jury voted from the start to finish upon their respective beliefs as to whether Thaw was or was not insane when he shot Stanford White and upon nothing else whatever. "Public attention has been called by this now celebrated case to the gross inconsistencies existing between the medical and the legal views of insanity. For example, it appears that Thaw might have been in a condition which alienists would call insane while he shot and yet sane at the time of the trial. But the law's view of insanity is perfectly sane from the law's point of view. A paranoiac, for example, is a man who suffers from more or less systematized delusions. Such a man may or may not be capable of knowing what he was doing and that it was wrong. Yet no expert could possibly call him a sane man. "But a still more curious state of affairs is revealed by considering the fact that the law requires perfectly different standards of sanity at the time of the commission of the crime and at the time of the trial. At the time a crime is committed a sane man in the eyes of the law is one who understands the nature and quality of the act and that it is wrong. But the law's view of a sane man at the time of the trial is merely that he shall be capable of advising his counsel properly and of understanding his trial. And that was the scope of the in-

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Announce for This Week
An Important Sale of
Women's Suits
The importance of this sale is in the fact that we are offering
High-Class Tailored Suits,
many of them exact reproductions of foreign models and in all cases exclusive styles,
At One-Third Less Than Present Values.

Suits of French Voiles, Taffeta Silks, Imported Serges and Mixtures,
\$50.00 each,
Real worth, \$75.00.

Suits of French Serges, Voiles, Chiffon Cloths, Rajahs and Silks, in the new Kimono Etons and 3 piece models, in all the new spring shades, including pastel shades,
\$75.00
Real worth, \$100.00.

Attention is also directed to our
Popular Priced Suits
at
\$30.00, \$35.00 and \$40.00 per suit.
The largest variety and best values ever offered.

Special Note.
We make a specialty of suits and gowns in large sizes,
42 and 44 bust.

Girls' Clothing Dept.
Will continue for Monday the balance of our special sale of
500 Girls' New Spring Coats
at
\$5.00, \$7.50, \$10.00 and \$12.00
Real Values \$7.50 to \$20.00.

Girls' and Misses' Suits
14 to 18 year sizes. A collection of 100 Tailored Suits in Junior Sizes, in the new coat models, made of Fancy Mixtures, Serges and Panamas,
\$25.00
Real Value \$30.00.

Special Offering for Monday of
Women's Waists
Consisting of
Cluny Lace Waists
with hand-made yokes, made over silk.
Creme de Chine Waists
Various colors made over silk.
Jap Silk Waists
with hand-made lace yokes and Val. lace insertions.
Fancy Waists
About 75 single piece waists in Laces, Silks, Messalines, &c., &c.

Values
\$15.00 to \$17.50.

Broadway and 20th St., 5th Ave., 19th St.

quity of the lunacy commission that declared Thaw sane. By its finding this commission declared only that the defendant was sane, but not that he was sane in his trial.

It is well known that a paranoiac is often perfectly and eminently sane upon every other subject but the one delusion that afflicts him. So long as you do not start him on that subject you will never discover that he is not normal. So long as that is the case the man is sane, but no man who is likely, if conditions are right, to be suddenly transformed from a cool, logical, normal human being into a homicidal maniac can possibly be called sane. Yet this, it is asserted on good authority, is the kind of insanity Mr. Jerome's experts believed Thaw to be suffering from.

There is good ground for believing even now that if the Thaw jury had returned a verdict of murder in the first degree, as seven of them desired to do, the prosecutor, actuated by this belief of the experts he employed, would have done everything he possibly could to prevent the prisoner from being put to death.

JERSEY HARVARD MEN DINE.
President Eliot, the Guest of Honor, Gets Ovation—Toasts to Roosevelt.
President Eliot of Harvard University was the principal speaker at the banquet of the Harvard Club of New York last night. There were 100 members and guests present from various parts of the State. Camillus C. Kidder of East Orange was toastmaster. He is a graduate of the class of '72. The banquet hall was decorated with the crimson of Harvard and the national colors. Before introducing the speakers Toastmaster Kidder proposed a toast to President Roosevelt, which was drunk standing. It was followed by a lively college cry. When President Eliot was introduced he got an ovation. The other speakers were Prof. Byron S. Hurlbut, John Reynolds, Wilson Farrand, Hendon Chubb and Prof. William Davis.

ARRESTED AS ENDEZZLER.
Insurance Company Bookkeeper to Be Extradited From New Jersey.
Alfred N. Hild, a bookkeeper in the local branch of the Northern Insurance Company of Aberdeen, Scotland, was arrested yesterday at his home on a small farm at Mountain View, N. J., on a warrant sworn out before Magistrate Wahl, which charges him with embezzling a total of about \$2,000 since he came to this country in 1901. He is now being held in the New York City Jail on \$1,000 bail to await extradition proceedings.

Lord & Taylor

Monday, April 15th.
Special Sale of
Silk Petticoats, Kimonos,
Infants' Wear and
Lingerie Waists

Silk Petticoats
in White, Black, Black and White and all the new
Spring shades in best quality taffeta;
37, 39, 42 inches long.
\$5.95, \$6.95, \$8.75

Kimonos & House Gowns
Long Kimonos
In Flowered Lawn.....\$1.75
In Flowered Dotted Swiss and Striped Organdie.....\$1.95
In Flowered Silk.....\$5.45

Short Kimonos
In Flowered Lawn.....75c
In Flowered Dotted Swiss and Striped Organdie.....98c
In Dotted Swiss, trimmed with Val. lace and ribbons.....\$1.95

House Gowns
In Flowered Dotted Swiss.....\$3.95, \$4.50

Lingerie Waist Dept.
One special lot of
Handsome Lingerie Waists
from
\$5.75 to \$25.00,
value \$9.75 to \$40.00

Infants' Dept.
Domestic Dresses,
6 mos. to 2 1/2 yrs.,
at 45c., 75c., 98c., \$1.25

Lingerie Hats,
2 to 4 yrs.....\$1.95

Imported Hand Embroidered
Pique Sun-Bonnets
at 75 cts.

Lawn Caps
from 3 mos. to 2 yrs.,
65c., 85c., 98c.

Broadway & 20th St., 5th Ave., 19th St.

CIRCUS LONGS FOR TENT LIFE.

MEN AND ANIMALS THEY LIKE THE CANVAS BETTER.

Welcome the Move From the Enclosed Madison Square Garden—Veterans of the Show Who Prove That Tents Are Healthful—Elephants Particularly Happy.

The circus folk, all the jungle creatures and the trained domestic beasts are chafing at Madison Square Garden under the restraint of metropolitan life. The spirit of the nomad is stirring within them. In the spring the showman's fancy fondly turns to thoughts of canvas. As Silvers, the clown, put it, they prefer life asid because the enjoyment is more "in tents." Dexter Fellows, the assistant word painter of the show, says that had as this is it is original with Silvers.

There is not a man in the circus nor an animal in the menagerie that does not feel better when the show gets started on the road. It breaks up here on Saturday and goes to Reading, Pa. Already the canvasmen are there putting up what they call the "tops." The main tent is the "big top" and the side show the "little top." Every bit of canvas is brand new and carefully to preserve it and keep out the wet.

The call of the tent, as Mr. Fellows puts it, is one of the strongest feelings of circus man and woman. It particularly affects the veterans. A woman of more than 45, who does a somersault on horseback and has been with circuses since her girlhood, said she did not feel at home under a roof and that she could ride better and with more confidence under canvas. The audience was closer to her and the appreciation heartier. One could not have the real circus sensation except in a tent.

Lord & Taylor

offer
Summer Floor Coverings
At Attractive Prices
Beginning Monday, April 15th

The City or Country Home for which you are seeking appropriate Floor Coverings, can now be most attractively furnished under Money Saving conditions of a most unusual character.

China and Japan
Mattings
in a wide range of figures and colorings.

Oshkosh and
Cres Grass
Carpets & Rugs
in appropriate color shades.

Kashmir Rugs
in unusually handsome designs and appropriate color shades for Summer Furnishings, all sizes

Mourzouk Mats,
especially desirable for veranda service.
Domestic Rugs
of every conceivable weave, style and coloring, especially adapted to Summer Furnishings, in all sizes.
Oriental Rugs
in all weaves and sizes from the smallest mat to the largest size carpet, every one of which has been selected for its own particular merit.

We call Special Attention to the following:—
350 Fine Antique Mousouls
regularly sold at \$15 to \$25, will be sold this week at \$10.50, \$12.50, \$15.00, \$17.50 each

450 Fine Antique Daghestans
regularly sold at \$15 to \$35, for this week only at \$12.50, \$15.00, \$17.50, \$20.00, \$25.00

The attention of those desiring Carpets is directed to the exceptionally choice lines of Wilton Velvets and Velvets being displayed.

Wilton Velvets
regularly sold at \$1.65 yd at \$1.15

Velvets
regularly sold at \$1.25 yd at 92 1/2 cts.

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Lord & Taylor

Women's Silk Stockings

of purest dye and finest texture—a multitude of neat, bright, graceful, quiet designs, with embroidered and openwork effects, ever changing and always beautiful, at popular prices.

Plain Black Silk Hose
with or without cotton soles.....\$1.15 upward

Colored Silk Hose
Plain White & Colored Silk Hose.....\$1.35 upward

Openwork Silk Hose
White, Black and Colored
Openwork Silk Hose.....\$1.95 upward

Embroidered Silk Hose
Black Embroidered Silk Hose.....\$2.25 upward

Lisle Thread and Cotton Hose
Plain Black Lisle, in gauze and medium weights, openwork instep, all over openwork and Richelieu ribbed; plain black mercerized and some colored Hose, plain black cotton in a variety of weights and styles,
35c., 3 pairs for \$1.00

Women's Shoe Dept.

Now Showing Especially
Smart Spring Footwear
in Several Shades of Tan
and the New London Smoke Gray,
also Many Very Beautiful combinations.

Boys', Girls' & Infants' Dept.

offers the "Orthopedic,"
the best shape shoe for the growing foot,
in all the desirable styles and leathers,
at the lowest possible prices
consistent with good leather and workmanship.

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conspicuous by their absence, and the president introduced Mrs. Alice Fisher Harcourt, who took Thomas Jefferson very seriously indeed and explained to the audience just what he had done for the country. Mrs. Harcourt was followed by William Hepburn Russell, who said a great many nice things about women, and some mean things about "centralization and railroads."

Those at the speakers' table were Mrs. J. J. McCaffrey, Mrs. Alice Fisher Harcourt, Mrs. Fred B. Nathan, Judge Moore, Mrs. John S. Crosby, Mrs. Compton, William Hepburn Russell and Countess Spottiswood Mackin.